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BOARD OF MEDICAL LICENSURE AND DISCIPLINE

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PUBLIC MEETING MINUTES: DELAWARE BOARD OF MEDICAL LICENSURE AND DISCIPLINE

MEETING DATE AND TIME: Tuesday, January 7, 2014 at 2:30 p.m.

PLACE: 861 Silver Lake Boulevard
Second Floor Conference Room A
Dover, Delaware

MINUTES APPROVED (February 4, 2014)

MEMBERS PRESENT

Gregory Adams, M.D., Professional Member, President, Presiding
George Brown, Public Member, Vice President
Joseph Parise, D.O., Professional Member, Secretary
Barry Bakst, D.O., Professional Member
Garrett H. Colmorgen, M.D., Professional Member
Stephen Cooper, M.D., Professional Member
Georges A. Dahr, M.D., Professional Member
Stephen Lawless, M.D., Professional Member
Raymond Moore, Sr., Public Member
Leslie Ramsey, Public Member
Karyl Rattay, M.D., Professional Member
Malvine Richard, Ed.D., Public Member

DIVISION STAFF/DEPUTY ATTORNEY GENERAL PRESENT

Patricia Davis-Oliva, Deputy Attorney General
Gayle MacAfee, Executive Director
Kay Warren, Deputy Director
Jessica Williams, Administrative Specialist II

MEMBERS ABSENT

Vonda Calhoun, Public Member
Mary Ryan, Public Member
Daryl Sharman, M.D., Professional Member

ALSO PRESENT

Shannon Brainard, Esq.
Carlos Calvo, M.D.
Laurie Eisenberg
Seth Eisenberg, M.D.
Albert El-Roeiy, M.D.
Greg Emeigh, Delaware News Journal
Robert Henry, P.A.
Joyce Vaskinonis
Beth Miller, Delaware News Journal
Lisa Schieffert, Delaware Healthcare Association
Patricia Shelton, Wilcox and Fetzer

Tamara Stock
Leopold Streletz, M.D.

CALL TO ORDER

Dr. Adams called the meeting to order at 2:50 p.m.

REVIEW AND APPROVAL OF MINUTES

The board reviewed the November 5, 2013 executive session and regular meeting minutes for approval. Dr. Parise moved, seconded by Dr. Cooper, to approve both sets of minutes as written. Motion unanimously carried.

UNFINISHED BUSINESS

Results of Executive Session

Consideration of Chief Hearing Officer's Recommendations Regarding Robert A. Henry, PA (Case 10-97-12) - Written Exceptions Filed

Dr. Cooper moved, seconded by Dr. Colmorgen, to accept the Chief Hearing Officer's conclusions of law and that the recommended discipline for Robert A. Henry, PA, be modified to a six month period of probation that will terminate automatically; once Mr. Henry demonstrates compliance with the recommendations of the Chief Hearing Officer, specifically paragraph 2(a)(b)(c) and paragraph 3 of the recommended discipline. Otherwise, the probationary period will continue until Mr. Henry petitions the board to lift his discipline. Motion unanimously carried.

Consider Consent Agreement Regarding Timothy Fouch Liveright, M.D. (Case 10-69-13)

Ms. Ramsey moved, seconded by Mr. Brown, to accept the Consent Agreement regarding Timothy Fouch Liveright, M.D. Motion carried with Dr. Rattay and Dr. Colmorgen recusing. An Order was circulated for board members' signatures.

NEW BUSINESS

Approve Applications for Registration and Licensure

M.D.'s for Licensure

Dr. Colmorgen moved, seconded by Dr. Cooper, to approve the following medical doctors for a certificate to practice medicine, as all applicants had met the licensure requirements as set forth by statute. Motion unanimously carried.

Adeniyi Adelakun
Stuart Atkin
Thomas Boerner
Carmela Coppola
Ellen Finney
Argryo Hatseras
Andrew Jenis
Kamana Mbekeani
Claude Nguyen

Peter Antall
Joseph Autry
Shawn Borich
Michael Davies
Elsa Goldstein
Fredericka Heller
Michael Jozefczyk
Parvl Mehta
Darshan Patel

Enoch Arhinful
Naveed Bari
Paul Chu
John Deaver
Ronald Greeno
Steven Herrine
Douglas Kiviat
Mansoor Mirza
Lauren Patrick

Nadia Arshad
William Bergen
Jason Cohen
Nader Ewaida
Bernard Harris
Ingy Iskander
Mary Krob
Kelly Nelson
Jeffrey Petersohn

Vikas Pilly
Sarah Shipley
Emilio Volz

Veronica Rios
Emilio Tayag
Xuan Wang

Patricia Sandiford
Ira Ungar
Robert White

Nicholas Scharff
Meagan Vermeulen
Tatiana Zilberberg

D.O.'s for Licensure

Dr. Colmorgen moved, seconded by Dr. Cooper, to approve the following osteopathic doctors for a certificate to practice medicine, as all applicants had met the licensure requirements as set forth by statute. Motion unanimously carried.

Sean Harvey
Amol Parikh

Scott Hollander
Robert Soper

Thuy Le-Rathell

Michael Meyer

Physician Assistants for Licensure

Dr. Cooper moved, seconded by Dr. Colmorgen, to approve the following Physician Assistants for licensure as noted below. Motion unanimously carried.

Emily Burgun
Christina Waddell

Ashley Kontra
Douglas Wright

Kristina Matthews

Alaina Vincent

Physician Assistants for Prescriptive Authority – Controlled and Non-Controlled

Dr. Cooper moved, seconded by Dr. Colmorgen, to approve the following Physician Assistants for controlled and non-controlled prescriptive authority as noted below. Motion unanimously carried.

Cecilia Ahanonu
Megan Donovan
Lauren Gillespie
Ashley Kontra
Christina Waddell

Emily Burgun
Melissa Eiseman
Rachael Hobbs
Jennifer Myers
Douglas Wright

Diana Cloud
Erin Field
Richard Jaskewich
Bernard Schneider

Tara DiRienzo
Judith Gachingiri
Lefteria Konstantopoulos
Jessica Swarr

Respiratory Care Practitioners for Licensure

Dr. Parise moved, seconded by Dr. Cooper, to approve the following Respiratory Care Practitioners for licensure as noted below. Motion unanimously carried.

Rachel Ali-Permell
Sherae Smith

Meghan Christiansen

Wendy Pfeiffer

Esther Robbins

Paramedics

Dr. Parise moved, seconded by Mr. Brown, to approve the following Paramedics for licensure as noted below. Motion unanimously carried.

Avery Brower

Melissa Lanman

Daniel Stone

Genetic Counselors

Dr. Colmorgen moved, seconded by Mr. Brown, to approve the following Genetic Counselors for licensure as noted below. Motion unanimously carried.

Jessica Johnson

Rebecca Mueller

Patricia Page

Advanced Practice Nurses for Prescriptive Authority

Dr. Rattay moved, seconded by Dr. Colmorgen, to approve the following Advanced Practice Nurses for Prescriptive Authority as noted below. Motion unanimously carried.

<u>Practitioner Specialty Type</u>	<u>Collaborators</u>
<u>Family Nurse Practitioners</u> Olanike Agbale Stacy Bradshaw Taylor Burge Eileen Evangelista Flora Glasgow Nicole Hunter Tabe Kendema Joy Magee Rosemary Ongaki Angela Pinheiro John Rosselli Seidatu Salis Tracey Stone	Kamar Adeleke, M.D. Teshinia Wilson, D.O. Lisa Leschek-Gleman, M.D. Jonathon Raser-Schramm, M.D. Nicole Alu, D.O. Andrew Himmelstein, M.D. Fadi Damouni, M.D. Zahid Aslam, M.D. Tutse Tonwe, M.D. Brian McDonough, M.D. Rajshekar Narasimaiah, M.D. Brian Shinkle, D.O. David Martini, M.D.
<u>Adult Nurse Practitioners</u> Bethanne Mills Jean Ryals Marion Ryan Nicole Stipo	Bhaskar Palekar, M.D. Irwin Lifrak, M.D. Lester Lewis, M.D. Linsey O'Donnell, D.O.
<u>Psychiatric/Mental Health Nurse Practitioner</u> Taresa Pittman	Khaled Mirza, M.D.
<u>Women's Health Nurse Practitioners</u> Pamela Fleckenstein Shawana Gray	Nicole Alu, D.O. Lester Lewis, M.D.
<u>Certified Registered Nurse Anesthetist</u> David Horner	Alexandra Budike, M.D.
<u>Neonatal Nurse Practitioner</u> Jessica Kiser	Deborah Tuttle, M.D.
<u>Pediatric Nurse Practitioners</u> Lorna Divino Erin Livezey	David Epstein, M.D. Tetsu Uejima, M.D.

Appoint Nominating Committee for Slate of Officers – Elections to be Held in February

Ms. Ramsey, Mr. Moore and Dr. Cooper offered to serve on the committee to select the slate of officers. The committee will present their recommendations during the February 4, 2014 board meeting.

FSMB's 102nd Annual Meeting in Denver, Colorado Scheduled for April 24-26, 2014

Ms. MacAfee advised the board that the FSMB's 102nd Annual Meeting will be held in Denver, Colorado.

Recommendation for Appointment of Michael Eddy to the Respiratory Care Advisory Council

Dr. Rattay moved, seconded by Dr. Cooper, to appoint Michael Eddy to the Respiratory Care Advisory Council as recommended by the Respiratory Care Advisory Council. Motion unanimously carried.

The board observed a brief recess at this time.

UNFINISHED BUSINESS

Proposal to Deny Hearing Scheduled for Leopold Streletz, M.D. (3:00 p.m.)

At 3:10 p.m., Dr. Adams called the proposal to deny hearing to order for Leopold Streletz., M.D. The board introduced themselves for the record. Verbatim testimony was taken by the court reporter. Dr. Streletz was present and verified that he would be proceeding without counsel. Ms. Davis-Oliva stated the purpose of the hearing. The application packet and supporting documents were pre-marked as Board Exhibit 1 for the record. Dr. Streletz submitted his curriculum vitae which was marked as Applicant's Exhibit 1. Dr. Streletz was sworn in and responded to questions asked by the board members.

The board began their deliberations at 3:28 p.m. which were recorded by the court reporter. Dr. Colmorgen moved, seconded by Dr. Parise, to grant a certificate to practice medicine for Dr. Streletz. Motion unanimously carried. The hearing concluded at 3:29 p.m.

Proposal to Deny Hearing Scheduled for Seth Eisenberg, M.D. (3:30 p.m.)

At 3:30 p.m., Dr. Adams called the proposal to deny hearing to order for Seth Eisenberg., M.D. The board introduced themselves for the record. Verbatim testimony was taken by the court reporter. Dr. Eisenberg was present and verified that he would be proceeding without counsel. Ms. Davis-Oliva stated the purpose of the hearing. The application packet and supporting documents were pre-marked as Board Exhibit 1 for the record. Dr. Eisenberg was sworn in and responded to questions asked by the board members.

Dr. Cooper moved, seconded by Dr. Parise, to grant a certificate to practice medicine for Dr. Eisenberg. Motion unanimously carried. The hearing concluded at 3:40 p.m.

Re-consideration of Board Order Regarding Albert El-Roeiy, M.D.

Mr. Brown moved, seconded by Mr. Moore, to deny the request for re-consideration of board Order regarding Albert El-Roeiy, M.D. Motion carried with Dr. Bakst, Dr. Dahr, Dr. Parise opposing, and Dr. Colmorgen recusing.

NEW BUSINESS

Review of Physician Application from Carlos Calvo, M.D. – Applying by Fifth Pathway

The board reviewed the application of Carlos Calvo, M.D., to determine whether he would meet the conditions to be granted a waiver pursuant to 24 Del. C. Section 1720(e). Dr. Parise moved, seconded by Ms. Ramsey, to grant the waiver. Motion unanimously carried.

Dr. Cooper moved seconded by Mr. Brown, to grant a certificate to practice medicine for Carlos Calvo, M.D. Motion unanimously carried.

Executive Session

At 4:03 p.m., Mr. Brown moved, seconded by Dr. Colmorgen, to enter into Executive Session for the purpose of discussing the investigation of complaints in accordance with 29 Del. C. Sections 10002(d)(3) and 10004(b)(6). Motion unanimously carried.

At 4:44 p.m., the board adjourned executive session.

NEW BUSINESS

Review of Physician Application from Lonnie Marshall, D.O. – No Direct Patient Access from June, 2005 to Present

The board reviewed the application of Lonnie Marshall, D.O. Dr. Colmorgen moved, seconded by Ms. Ramsey, to propose to deny the application after determining that she has not met the requirements pursuant to Rule 7.7. Motion unanimously carried.

Review of Physician Application from Merci Madar, M.D. – Action Taken by Pennsylvania, West Virginia and Florida Medical Board

The board reviewed the application of Merci Madar, M.D., to determine whether she would meet the conditions to be granted a waiver pursuant to 24 Del. C. Section 1720(e). Dr. Cooper moved, seconded by Dr. Bakst, to grant the waiver. Motion unanimously carried.

Review of Physician Application from David Cohen, M.D. – Action Taken by Florida Medical Board

The board reviewed the application of David Cohen, M.D., to determine whether he would meet the conditions to be granted a waiver pursuant to 24 Del. C. Section 1720(e). Dr. Parise moved, seconded by Dr. Bakst to grant the waiver. Motion unanimously carried.

Review of Physician Application from Adrienne Charles, M.D. – Placed on Probation during Residency

The board reviewed the application of Adrienne Charles M.D. Dr. Parise moved, seconded by Mr. Brown, to propose to deny the application after determining that she has not met the requirements pursuant to 24 Del. C. Section 1720(b)(4)(e). Motion unanimously carried.

Review of Physician Application from Shirley Randall, M.D. – Adverse Action Taken on Clinical Privileges and Does Not Meet the Minimum Passing Score for FLEX exam

The board reviewed the application of Shirley Randall, M.D. Dr. Colmorgen moved, seconded by Dr. Parise, to propose to deny the application after determining that she has not met the requirements pursuant to 24 Del. C. Sections 1720(b)(4)(e) and (b)(7). Motion unanimously carried.

Review of Physician Application from Andre Galiber, M.D. – Disciplined by Hospital during Employment

The board reviewed the application of Andre Galiber, M.D. Dr. Lawless moved, seconded by Dr. Bakst, to propose to deny the application after determining that he has not met the requirements pursuant to 24 Del. C. Section 1720(b)(4)(e). Motion unanimously carried.

Review of Physician Application from Byron Taylor, M.D. – Placed on Probation during Residency

The board reviewed the application of Byron Taylor M.D., to determine whether he would meet the conditions to be granted a waiver pursuant to 24 Del. C. Section 1720(e). Dr. Cooper moved, seconded by Mr. Brown, to grant the waiver. Motion unanimously carried.

UNFINISHED BUSINESS

Review and Consider Board Orders Regarding Hearings Held on November 5, 2013 for Charles Laudadio, M.D.; Frederick C. Hawkins, D.O.; and Craig Wilder, M.D.

The board reviewed the Order regarding Charles Laudadio, M.D. Dr. Adams' affixed his signature to the Order.

The board reviewed the Order regarding Frederick C. Hawkins, D.O. Dr. Adams' affixed his signature to the Order.

No Order was needed for Craig Wilder, M.D., as Dr. Wilder had withdrawn his application during his hearing.

Review and Consider Board Orders Regarding James L. Schaller, M.D. (Case 10-30-11); and Patrick A. Titus, M.D. (Cases 10-53-10, 10-102-10, 10-221-11, 10-14-12, 10-42-12 and 10-96-12)

The board reviewed the Orders regarding James L. Schaller, M.D., and Patrick A. Titus, M.D. Orders were circulated for board members' signatures.

Re-consideration of Board Orders Regarding Paul Cedeno, M.D., and Parviz Sorouri, M.D.

Dr. Colmorgen moved, seconded by Mr. Brown, to deny the request for reconsideration for Paul Cedeno, M.D. Motion unanimously carried.

Dr. Colmorgen moved, seconded by Ms. Ramsey, to deny the request for reconsideration from Parviz Sorouri, M.D. Motion unanimously carried.

Update by Dr. Adams Regarding the Medical Society of Delaware's Position Statement and the Delaware Nurses Association/Delaware Board of Nursing's Position Paper on Delaware's Healthcare Innovation Plan

Dr. Adams advised the board that the Medical Society of Delaware is not in support of Nurse Practitioners practicing independently without some physician oversight.

Executive Session

At 5:12 p.m., Mr. Brown moved, seconded by Dr. Parise to enter into Executive Session for the purpose of discussing the investigation of complaints in accordance with 29 Del. C. Sections 10002(d)(3) and 10004(b)(6). Motion unanimously carried.

At 5:23 p.m., the board adjourned executive session.

UNFINISHED BUSINESS

Results of Executive Session

Dr. Cooper moved, seconded by Dr. Rattay that the board after having reviewed the results of the investigations, determined in the exercise of its discretion, that the matters not precede further and that the following investigations be closed as noted without prosecution. Motion unanimously carried.

Closed Cases with Letter of Concern

10-23-11	10-58-12	10-59-12	10-162-12
10-170-12	10-63-13	10-70-13	10-85-13

Dr. Cooper moved, seconded by Dr. Rattay that the board after having reviewed the results of the investigations, determined in the exercise of its discretion, that the matters not precede further and that the following investigations be closed as noted without prosecution. Motion unanimously carried.

Closed Case

10-112-12

Mr. Brown moved, seconded by Dr. Rattay that the board after having reviewed the results of the investigations, determined in the exercise of its discretion, that the matters not precede further and that the following investigations be closed as noted without prosecution. Motion unanimously carried.

Closed Cases with Letter of Concern

10-74-12 10-165-13

Dr. Cooper moved, seconded by Dr. Parise that the board after having reviewed the results of the investigations, determined in the exercise of its discretion, that the matters not precede further and that the following investigations be closed as noted without prosecution. Motion unanimously carried.

Closed Case

10-140-12

Dr. Cooper moved, seconded by Dr. Parise that the board after having reviewed the results of the investigations, determined in the exercise of its discretion, that the matters not precede further and that the following investigations be closed as noted without prosecution. Motion carried with Dr. Colmorgen recusing from Case 10-57-13.

Closed Cases with Letter of Concern

10-57-13 10-103-13

Dr. Dahr moved, seconded by Dr. Bakst that the board after having reviewed the results of the investigations, determined in the exercise of its discretion, that the matters not precede further and that the following investigations be closed as noted without prosecution. Motion unanimously carried.

Closed Cases

10-20-12	10-75-12	10-82-12	10-130-12	10-144-12
10-148-12	10-158-12	10-159-12	10-165-12	10-173-12
10-22-13	10-145-13	10-150-13	10-160-13	10-193-13

Consideration of Chief Hearing Officer's Recommendations Regarding Claxton L. Crowder, M.D. (Case 10-174-10)

Mr. Brown moved, seconded by Dr. Parise, to accept the Chief Hearing Officer's recommendations regarding Claxton L. Crowder, M.D. Motion unanimously carried.

Consideration of Chief Hearing Officer's Recommendations Regarding Sohair S. Michail, M.D. and Gregory T. Serfer, D.O.

Mr. Brown moved, seconded by Dr. Cooper to accept the Chief Hearing Officer's recommendations regarding Sohair S. Michail, M.D. Motion unanimously carried.

Mr. Brown moved, seconded by Dr. Cooper to Accept the Chief Hearing Officer's recommendations regarding Gregory T. Serfer, D.O. Motion unanimously carried.

Consider Consent Agreement Regarding Razaak A. Eniola, M.D. (Case 10-30-12)

Dr. Cooper moved, seconded by Ms. Ramsey to accept the consent agreement regarding Razaak A. Eniola, M.D. Motion carried with Mr. Brown recusing. An Order was circulated for board members' signatures.

Consider Consent Agreement Regarding Arturo A. Apolinario, M.D. (Case 10-13-11)

Dr. Cooper moved, seconded by Ms. Ramsey to reject the consent agreement regarding Arturo A. Apolinario, M.D. Motion carried with Mr. Brown recusing.

Consider Consent Agreement Regarding Melissa Dean (Case 10-154-12)

Dr. Cooper moved, seconded by Dr. Colmorgen to reject the consent agreement regarding Melissa Dean. Motion carried with Dr. Rattay abstaining.

Other Business before the Board (For Discussion Only)

Dr. Bakst inquired about the investigative process and requested that the assigned board contact person be notified of those cases being sent to the Attorney General's office.

Public Comment

There was no public comment.

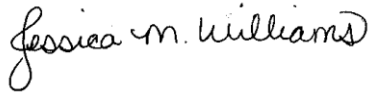
Next Meeting Date

The board will hold their next meeting on Tuesday, February 4, 2014, at 2:30 p.m., in the 2nd floor Conference Room "A" of the Cannon Building, 861 Silver Lake Boulevard, Dover, Delaware.

Adjournment

There being no further business before the board, Dr. Parise moved, seconded by Dr. Dahr, to adjourn. Motion unanimously carried. The meeting adjourned at 5:32 p.m.

Respectfully submitted,

A handwritten signature in cursive script that reads "Jessica M. Williams". The signature is written in black ink and is positioned above the printed name.

Jessica M. Williams
Administrative Specialist II